IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1548 OF 2003

The State of Maharashtra ...Appellant.

V/s

1. Karbhari Anna Ahire
and Ors. ...Respondents.

Mr. K.V. Saste, APP for the appellant - State.

CORAM: V.M.KANADE,J.

DATE: 14TH OCTOBER, 2004

PC:.

1. Heard the learned APP appearing on behalf of the appellant - State.

2. Respondents were charged under section 498A, 323, 504, 506 r/w. 34 of the I.P.C. Trial Court has acquitted the accused on the ground that there was no evidence to prove the cruelty and ill-treatment to the complainant. I have perused the evidence adduced by the prosecution. The learned APP for the State has produced copy of the evidence adduced by the prosecution. From the evidence of the complainant, it can be seen that the complainant had stayed at her parents house for almost 8 to 9 years and, thereafter, complaint was filed. There is no allegation that during the first year when the complainant resided with the accused there was any demand of dowry or

allegation of ill-treatment. It is stated that after she had gone to her parents for delivery of child, the accused did not bring her back.

3. In my view, from the said evidence, it cannot be said that the prosecution has proved cruelty and ill-treatment. There is no reason to interfere with the finding given by the Trial Court. Leave is refused. Appeal is dismissed.

V.M. KANADE, J.